



NO 2013-DCU-5868-D

JAMES WILKINS

IN THE DISTRICT COURT OF NUECES  
COUNTY, TX.

v

NUECES COUNTY

JUDICIAL DISTRICT

PLAINTIFF ORIGINAL PETITION  
TO THE HONORABLE JUDGE OF THE SAID COURT.

PLAINTIFF JAMES WILKINS COMPLAINS OF DEFENDANT, NUECES COUNTY  
AS FOLLOWS.

I

JAMES WILKINS, AT ALL TIMES RELEVANT TO THIS PETITION, RESIDES AT THE  
NUECES COUNTY JAIL 28401 NUECES COUNTY, TX.

DEFENDANT, NUECES COUNTY/COUNTY COMMISSIONERS COURT, RESIDES AT 901  
LEONARD ST. NUECES COUNTY, TX. WHERE PROCESS MAY BE SERVED.

FILED

NOT PAID

II

I, JAMES WILKINS, PLAINTIFF COMPLAINS THAT THE COUNTY IS  
LIABLE FOR ALLOWING MYSELF TO GO WITHOUT A MATTRESS, SHIRT AND PANTS.

THE 1ST, 2ND, AND 3RD DAYS I WAS MADE TO SLEEP IN THE NUECES COUNTY JAIL.

HOLDING FOLLOWS NUECES COURT (COUNTY COMMISSIONERS/NUECES COUNTY SHERIFFS  
DEPARTMENT) DOUBTERATELY, KNOWINGLY, DECEPTIVELY AND FRAUDULENTLY PLACED

UPON MYSELF THE BURDEN OF SUFFERING COLD AIR, COLD STEEL BENCHES

AND DIRT & CONCRETE HOLDING CELL FLOORS WITHOUT FURNISHING OR COVERING

CLERK OF DISTRICT COURT  
NUECES COUNTY, TEXAS  
FILED-PAISY PEREZ  
2013 NOV 25 PM 5:19  
BY [Signature]

IN WHICH TO PROTECT MYSELF FROM CONCRETE FLOORS.

III

ON JUL 13, 2012, I JAMES WILKINS PLAINTIFF BEGAN ASKING JAIL STAFF, AND ULTIMATELY THE NUBERG COUNTY SHERIFF HIMSELF AS TO WHY I HAD NOT BEEN PROVIDED WITH "BEDDING AND LINENS" WHILE IN THE JAILS HOLDING CELLS. JAIL LT. COMER # 7919, STATED ON 7/26/13, VIA A RETURNED "REQUEST" THAT "TEXAS LAW IN JAIL 48 HOURS TO GET UNIFORM, 72 HOURS TO GET MATTRESSES, BED POU ETC. - YOU CAME IN ON 7/9/13 AT 1800 - AND SENT TO ANNEX 7/10/13 AT 1825 ET. BOOK # 7919 7/26/13." (OVERNIGHT NO MATTRESS).

NOT INCLINED TO BELIEVE THAT OUR STATE GOVERNMENT WOULD ALLOW FOR INMATES TO SLEEP ON FLOORS, I BEGAN TO SEARCH FOR THE STATUTES REQUIRING THAT TEXAS JAILS PROVIDE FOR AT LEAST SOME SORT OF BARRIER BETWEEN MYSELF AND THE BARE FLOOR.

ON 9/24/13, I LOCATED THE RULE REQUIRING THAT TEXAS JAIL/COMMISSIONERS COURT AFFORD BEDDING AND LINENS TO ALL INMATES HELD OVERNIGHT IN HOLDING CELLS.

LOCATED IN THE TEXT OF THE TEXAS COMMISSION ON JAILS STANDARDS CHAPTER 222.8 BEDDING AND LINENS, THE RULE STATING THAT "A SUFFICIENT ISSUE OF BEDDING AND LINENS TO EACH INMATE TO BE DETAINED OVERNIGHT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING CLEAN, SAFE AND SERVICEABLE ITEMS. (1) ONE MATTRESS (2) ONE SHEET OR MATTRESS COVER (3) ONE BLANKET (4) ONE BLANKET OR ONE PARAPLUS (5) ONE CHANGING LINEN".

ON 9/25 AND 26/13, I SENT MYSELF COMMUNICATIONS BY E-MAIL TO THE JAIL CAPTAIN AND SHERIFF JIM NEALIN REQUESTING THAT THEY PLEASE SPECIFY WHY THE COUNTY REFUSES TO PROVIDE SLEEPING MATERIALS.

FOR INMATES PLACED IN HOLDING OVERNIGHT. OF THE 4 REQUEST SENT OUT I ONLY RECEIVED ONE BACK FROM SGT. AGUAYO. ATTACHED WAS THE RULE I HAD BROUGHT TO HIS ATTENTION (CHAPTER 277.8 BEDDING AND LINENS) BUT THIS VERSION READ DIFFERENT FROM WHAT I HAD WRITTEN TO HIM AS COPIED FROM THE ORIGINAL TEXT. THIS VERSION WAS MODIFIED TO READ AS FOLLOWS. "A STANDARD ISSUE OF BEDDING AND LINENS TO EACH INMATE TO BE DETAINED OVERNIGHT PLACED IN HOUSING, SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THE FOLLOWING CLEAN, SAFE, SERVICEABLE ITEMS. INMATES DETAINED IN A HOLDING CELL/DETOXIFICATION CELLS SHOULD RECEIVE THE FOLLOWING ITEMS: (1) ONE MATTRESS (2) ONE SHEET OR MATTRESS COVER (3) ONE TOWEL (4) ONE BLANKET OR MORE DEPENDING ON CLIMATIC CONDITIONS.

THE WORDS "DETAINED OVERNIGHT" HAD A LINE DRAWN THROUGH AS IF TO IMPLY THAT THE WORDS WERE NULLIFIED. THE WORDS "PLACED IN HOUSING" AND "INMATES DETAINED IN HOLDING CELL/DETOXIFICATION CELLS SHOULD RECEIVE THE FOLLOWING," WERE PRINTED IN BOLD LETTERING, AS IF TO HELP PROMOTE OR PLACE SIGNIFICANT EMPHASIS ON THEIR WORTH. ALSO AT THE TOP LEFT HAND CORNER OF THE NOW MODIFIED RULE WERE THE WORDS "THIS WAS CHANGED IN 2012- SEE BELOW."

WHEN I SAW WHAT THE PROVISION/RULE/ORDINANCE WAS NOW MADE TO READ, I CONCLUDED THAT SOMEONE OF THE COURT OR RELATED HAD PURPOSELY, UNLAWFULLY, DELIBERATELY, DECEPTIVELY AND FRAUDULENTLY CHANGED (DELETED AND ADDED) WORDING IN ORDER TO HAVE THE PROVISION READ AS A RECOMMENDATION AS OPPOSED TO A REQUIREMENT.

FOR COMPLIANCE. OFFICER GARCIA (GRIEVANCE OFFICER), STATED THAT SHE WENT ON-LINE AND FOUND OUT THAT THE RULE HAD BEEN CHANGED. I HAD RECEIVED THE CHANGED VERSION WHEN I RECEIVED THE RETURNED REQUEST FROM SGT. AGUIAR.

I DIDN'T CONFRONT HER ON THE CHANGED WORDING, BUT SOUGHT AN OUTSIDE SOURCE OF HELP TO GO TO THE TEXAS COMMISSION ON JAIL STANDARDS WEB-SITE ([tjcs.state.tx.us](http://tjcs.state.tx.us)) AND CONFIRM OR DENY THAT THE TEXT (DELETED AND ADDED) ON THE SHEET OF PAPER IN QUESTION WAS IN FACT ACCURATE OR NOT. IT WAS DETERMINED THAT THE DEFINITION HAD BEEN MODIFIED TO READ AS A RECOMMENDATION RATHER THAN A REQUIREMENT, BY SOMEONE OF THE COUNTY OR RELATED.

### III

TO THIS EXTENT HAS THE COUNTY OF NUECES GONE TO IN ORDER TO PERPETRATE THEIR MALICIOUS PRACTICES AT THE EXPENSE OF MYSELF AND THOUSANDS MORE.

I HAVE IN MY POSSESSION DOCUMENTED STATEMENTS THAT WILL PROVE BEYOND A REASONABLE DOUBT THAT I HAD BEEN DENIED (PURPOSELY) THE PROVISIONS SET FORTH BY THE TEXAS COMMISSION ON JAIL STANDARDS. NAMELY BEDDING AND LINENS. AND THAT ONCE IT WAS DISCOVERED THAT I HAD IN MY POSSESSION INFORMATION THAT WOULD FACTUALLY PROVE THAT THE COUNTY HAD NOT ACTED IN ACCORDANCE WITH "STATE JAIL RULES", THEY THEN TRIED TO COVER UP THEIR WRONGS BY ACTS OF FRAUD AND DECEPTION.

CLAIM FOR RELIEF: BECAUSE OF THE NATURE OF THE OFFENSES SUFFERED BY MYSELF. PHYSICAL DISCOMFORT, MENTAL ANGUISH, AND EMOTIONAL DISPAIR AND EMBARRASSMENT, BUT ALSO BECAUSE THE COUNTY OF NUBEGS KNEW AND OR SHOULD HAVE KNOWN THAT "THE ACTIONS OR INACTIONS RELATED TO PRETRIAL DETAINEES IS CONSIDERED PUNISHMENT."

I WOULD HAVE THE COURT RULE IN MY FAVOR AND AWARD MYSELF PUNITIVE DAMAGES IN THE AMOUNT OF (\$15,000,000) DOLLARS

WHEREFORE PLAINTIFF PRAYS THAT ON FINAL HEARING OF THIS PETITION THE COURT AWARD THE AMOUNT SPECIFIED FOR INJURIES CAUSED BY THE DEFENDANT NUBEGS COUNTY

RESPECTFULLY SUBMITTED  
JAMES WILKINS  
James Wilkins